

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
Newark, New Jersey 07101  
Attorney for the State Board of Optometrists

**FILED**  
**BOARD OF OPTOMETRISTS**  
**JUL 16 2008**

By: Carmen A. Rodriguez  
Deputy Attorney General  
Tel: (973) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF OPTOMETRISTS

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IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF

LOIS G. FIORE, O.D.  
LICENSE NO. 27OA0396700

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete a total of fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2005 to April 30, 2007, as required for the 2007-2009 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

### FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On April 23, 2007 the respondent returned her completed 2007-2009 renewal application for licensure as an optometrist in the State of New Jersey in which respondent answered “yes” to the question asking for affirmation as to whether or not she completed the required continuing education credits by April 30, 2007.

3. On the 15<sup>th</sup> day of June, 2007, the Board of Optometrists initiated a random audit of renewal applications for the 2007-2009 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifty (50) credit approved hours which includes twenty-five (25) credits in general optometric education and twenty-five (25) credits in courses or programs classified as therapeutic pharmaceutical agents (“TPA”).

4. Respondent submitted proof of having completed 37 credits of continuing education, which is insufficient to satisfy the continuing education requirement because it falls short by 13 credits of the requisite fifty (50) approved credit hours pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3.

### CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-

7.3 with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent attested to the completion of 50 continuing education credits by April 30, 2007 on the biennial renewal application but has submitted information that she failed to obtain thirteen (13) of the requisite continuing education credits required for renewal of the license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(b) in that she has engaged in the use or employment of dishonesty, deception or misrepresentation, which constitutes grounds for the suspension or revocation of any certificate, registration or license, and grounds for sanctions pursuant to N.J.S.A. 45: 1-25.

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice optometry in the State of New Jersey was entered on August 24, 2007 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the state Findings of Facts and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons

therefore.

On September 24, 2007 the Board received correspondence from the respondent explaining her failure to complete the required 50 continuing education credits. Because of her daughters health, she was forced to withdraw from numerous seminars. Upon review of the information submitted the Board has determined that the respondent had obtained thirty seven (37) credits within the biennial period. On or around September 24, 2007 Respondent completed eleven and a half (11.5) credits. The remaining one and a half (1.5) continuing education credits were completed on October 22, 2007. Respondent paid the penalty in full on September 26, 2007.

**THEREFORE, IT IS ON THIS 16<sup>th</sup> DAY OF JULY, 2008,**

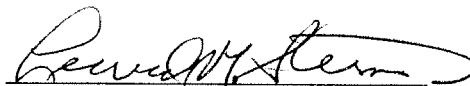
**ORDERED:**

1. Respondent remitted payment in full of the civil penalty in the amount of two thousand dollars (\$2,000.00) pursuant to N.J.S.A. 45:1-25 on September 26, 2007. This amount consists of \$1,000 for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-7.3 and N.J.S.A. 45:1-21(h) as evidenced by her failure to completely satisfy the continuing education requirements and \$1000 for violation of N.J.A.C. 45:1-21(b) for false affirming on the license renewal application that the continuing education credits were completed in full in the specified time frame.

2. Respondent submitted proof of having completed the requisite fifty (50) hours of continuing education credits upon submission of additional proofs supporting the completion of the 1.5 hours of continuing education credits on or about October 22, 2007. These continuing education credits are NOT to be used to renew respondent's license for the 2009-2011 renewal period.

3. Respondent's license to practice optometry is active and shall not be suspended by operation of this order as she has submitted satisfactory proofs that she has fully complied with the continuing education requirements.

NEW JERSEY STATE BOARD  
OF OPTOMETRISTS

By:   
Leonard Steiner, O.D.  
President

Via Certified and Regular Mail  
CM: RRR